IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION Nos: 21715 of 2002 AND 21708 OF 2002

WRIT PETITION No: 21715 of 2002

Between:

1. Bellamkonda Subbarao, S/o. Kotaiah,
Aged 66 years, Occu: Cultivation,
Cherukupalli Village & Mandal,
Guntur District.

2. Borra Bhagyamma, W/o. Kotesu, Age 62 yrs.

3. Moria Kotaiah, S/o. Satyanarayana, Age 60 yrs.

4. Yemineni Yanadi, S/o. Pedaramaswamy, 55 yrs.

5. Borra Narasimha Rao, S/o. Raghavaiah, Age 66 yrs.

6. Borra Bhaskar Rao, S/o. Narasimharao, Age 35 yrs.

7. Borra Chittemma, W/o. Anandarao, Age 25 yrs.
(Petitioners at Sl.No.2 to 7 Occu: Cultivation
and are R/o. Morla Dharmayyapalem, Repalle Mandal,
Guntur District)

..... PETITIONERS

AND

1. Sub Collector-cum-Revenue Divisional Officer,
Tenali, Guntur District.

2. Mandal Revenue Officer,
Repalle Mandal, Repalle, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in nature of writ of mandamus declaring the action of the respondents from their respective pieces of land in survey Nos. 151/1 & 3 and 196/9 of Karumur village, Repelle Mandal, Guntur District pursuant to the notice dated 10-10-2002 of the first respondent in reference No. 1277/1271/RAP.75 as illegal arbitrary and violative of the Fundamental Rights guaranteed under the Constitution of India and consequently direct the first respondent to drop all further proceedings pursuant to the said notice and pass such other order or orders.

WRIT PETITION NO : 21708 of 2002

Between:

1. Varikuti Venkateswara Rao, S/o. Subarao,
   Age 73 years, Occu: Cultivation, R/o. Varikutivaripalem,
   Bhattiprolu Mandal, Guntur District.

2. Varikuti Pothayya, S/o. Ramayya, Age 55 yrs,
   Occu: Cultivation, R/o. Varikutivaripalem,
   Bhattiprolu Mandal, Guntur District.

3. Repalle Basvapunnamma, W/o. Anjaneyulu,
   Aged 45 yrs, Occu: Cultivation, R/o. Varikutivaripalem,
   Bhattiprolu Mandal, Guntur District.

4. Inampudi Venkateswara Rao, S/o. Ankineedu,
   Age 45 years, Occu: Cultivation, R/o. Karumuru,
   Repalle Mandal, Guntur District.

..... PETITIONERS

AND

1. Sub Collector-cum-Revenue Divisional Officer,
   Tenali, Guntur District.

2. Mandal Revenue Officer,
   Bhattiprolu Mandal, Bhattiprolu,
   Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court

will be pleased to issue a writ order or direction more particularly one in nature of writ of mandamus declaring the action of the respondents in taking steps to dispossess the petitioners from their respective pieces of land in survey Nos. 189/1 & 2 and 210/3 of Gorigapudi Village, Bhattiprolu Mandal, Guntur District pursuant to the notice dated 10-10-2002 of the first respondent in reference No. 1277/1271/RAP.75 pending disposal of the writ petition and pass such other order or orders

Counsel for the Petitioners in both Writ Petitions **:MR.T.V.S.PRABHAKARA RAO**

Counsel for the Respondents in both Writ Petitions **: The GP FOR REVENUE**

The Court Made the Following :

COMMON ORDER:

The petitioners, who claim to be in possession of the land in Survey Nos. 151/1 & 3, 196/9, 189/1,2 and 210/3 respectively, filed these writ petitions questioning the action of the respondents in taking steps to dispossess them from the land in question, pursuant to the notice dated 10-10-2002. It is the case of the petitioners that they have purchased the lands in question from the original owners and pattedars even before the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 has came into force. It is their case that though they are in actual and physical possession of the lands from the date of purchase from the original pattadars, steps are being taken to dispossess them from the lands in question without conducting any enquiry and without issuing prior notice.

At the stage of admission, this Court by order dated 30-10-2002 in W.P.M.P.No. 27198 of 2002 in W.P. No. 21715 of 2002, and in W.P.M.P. No. 27191 of 2002 in W.P. No.21708 of 2002, directing the respondents not to dispossess the petitioners from the lands in question.

In the counter affidavits filed on behalf of the respondents, it is

stated that holdings of the original declarants were enquired into as per the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and they were found to be holding excess land than ceiling limits; as such, it is stated that orders were passed and when steps are being taken to takeover the surplus land, the petitioners have approached this Court and obtained interim Orders. It is further stated in the counter affidavits that if the petitioners are in possession and claiming ownership of the land in question, they have to file objections before the Tribunal as provided under Rule 16(7) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974.

In view of the stand of the respondents in the counter affidavit, learned Counsel appearing for the petitioners submits that the petitioners wish to approach the Tribunal and file representation/objections as contemplated under Rule 16(7) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974. In that view of the matter, the Writ Petitions are disposed of permitting the petitioners to file representation/objections as contemplated under Rule 16(7) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 within a period of six weeks from the date of receipt of this Order. On such filing of the representation/objections within the time stipulated above, the first respondent-Tribunal shall consider and pass appropriate orders. Till representation/objections are considered, status quo existing as on today with regard to possession of the lands in question shall be maintained. Further it is clarified that it is open for the respondents to decide the maintainability of representation/objections to be filed by the petitioners, and, if the petitioners fail to file representation/objections within the time stipulated above, it is open for the respondents to take such steps in accordance with law, to enforce the orders.

Subject to the above direction, the Writ Petitions are disposed of.

No costs.

ES/MSNR 21-06-2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Sub Collector-cum-Revenue Divisional Officer, Tenali, Guntur District.
2. Mandal Revenue Officer, Repalle Mandal, Repalle, Guntur District.
3. 2 CCs to the G.P. for Revenue, High Court Buildings, High Court of Hyderabad, (OUT)
4. 2 CD copies